

A special meeting of the City Planning Board was held on April 30, 2009 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Dolcino, Foss, Gross, Harrington, and Hicks. Mr. Woodward, Ms. Hebert and Ms. Osgood of the City Planning Division were also present.

At 7:02 PM a quorum was present and the Chair called the meeting to order for the purpose of holding a public workshop relative to an Aquifer Protection Ordinance.

Mr. Woodward explained that the consultant firm of Emery & Garrett Groundwater, Inc. was retained under a Community Technical Assistance Program Grant to prepare regulatory measures for the protection for the City's aquifers and groundwater resources so as to preserve the option for the use of these resources for future public and private water supplies. This effort was undertaken as a result of the recommendations of Master Plan 2030, the Land Use Section of which includes the directive that the protection of aquifers and the conservation of the City's groundwater resources should be codified and added to the Zoning Ordinance.

He reported that available models of such ordinances do not adequately address Concord's circumstances wherein the City possesses both municipal water and sewer systems which serve the urban areas, and the land over the aquifers in these urban areas is substantially and heavily developed. At the same time, there are rural and undeveloped areas of Concord that are dependent on wells and septic systems.

Mr. Woodward introduced Jamie Emery, president of Emery Garrett Groundwater, Inc. as well as John Brooks and Mark Fougere.

Mr. Emery explained that over 90% of the population resides within the Urban Growth Boundary that incorporates approximately one-third of the City's land area centralized around the valley of the Merrimack River. The UGB is coincidental with the limits of municipal water supply and sanitary sewer service which allows for development at urban densities. The remaining population resides outside of the Urban Growth Boundary at rural densities and is dependent on individual wells and septic systems.

While the majority of the City's current municipal water supply is drawn from surface water sources, the City does have one wellfield in the adjacent town of Pembroke. Groundwater has been identified as a potential source of future municipal water supplies as well as a continuing source of private water supplies.

In the past several years, the City has encountered concerns related to aquifer protection along the Soucook River, which is the municipal boundary with Pembroke. Both Concord and Pembroke have wellfields within the aquifer adjacent to the Soucook River and these wellfields are part of each respective community's public water supply. Pembroke has enacted an aquifer protection ordinance, and Concord has adopted several amendments to its Zoning Ordinance directed toward groundwater protection. The City recently had prepared Phase I of a Water System Master Plan, which contained the recommendation that the City take steps to protect the aquifers in the City in order to maintain options for public and private water supplies.

Mr. Emery introduced Mr. Brooks who used a PowerPoint presentation to provide an overview of the process they had used in this study. He explained that, in preparing the aquifer protection ordinance they looked at current and future land uses in the city, groundwater development zones defined in a previous study as part of the water master plan project, and the types of water supplies in the City including community and non-community water supplies as well as domestic wells. They had also reviewed aquifer protection ordinances from ten other New Hampshire municipalities. Other background information that they looked at included surficial geology, contaminant threats, future land uses and the Urban Growth Boundary, and current zoning. They also reviewed information on existing wellhead protection areas for the City of Concord and Town of Pembroke wells located in Pembroke just east of the Soucook River. They had concluded that there was little potential for further groundwater development for a public water supply in the Soucook River watershed as it would affect the water levels in the river itself.

Mr. Brooks explained that they had tried to not make the ordinance too onerous but to provide reasonable protection of the aquifer so they defined three levels of protection – an aquifer protection district, aquifer protection radii, and protection of transient, non- community and domestic water systems. The aquifer protection district was focused on the wellhead protection areas for existing community public water wells as well as primary groundwater development zones which could support future community public water wells. The district will include a list of prohibited uses together with performance standards for other uses.

The aquifer protection radii define an area around non-community water supply wells and include some performance standards. The domestic wells have smaller radii and fewer standards.

The reclassification of the groundwater reclassification of the City's wellfield in Pembroke was raised as an issue that the City should consider. The reclassification would allow the City to conduct inspections in Pembroke on properties in the wellhead protection area. Pembroke has already reclassified the groundwater for the wellhead protection areas for their two wells and can conduct inspections in Concord within those protection areas.

The consultants also recommended that the City conduct explorations and preliminary testing within some of the primary groundwater development zones to determine the viability of these sites to provide for the City's future water needs, and to move toward securing rights to the necessary property for a wellhead protection area.

They also discussed the possibility of requiring a hydrologic assessment of proposed residential developments that were dependent on domestic wells for water supply and suggested that these assessments would be helpful in some instances with larger subdivisions and a number of proposed wells in proximity to each other. The goal would be preventing adverse impacts of the installation of a number of new wells upon each other and on neighboring wells. Adequate supply and acceptable water quality are sought to be reasonably assured to new home buyers as well as existing neighboring homeowners.

Mr. Gross asked the extent of the City's ability to regulate extraction from wells on private property given the rights of property owners. Mr. Brooks responded that the State has indicated that for large withdrawals only the State has the power to control. The City would be

taking away the property owner's ability to use his land. It would have to only be a way of keeping the City informed of any large groundwater withdrawal.

Ms. Foss explained that she was struggling with the appearance that the City is just writing off most of the existing aquifers in the City and is only going to worry about the areas listed in the ordinance.

Norm Provencher from Pembroke Water Works explained the boundaries of their wellhead protection areas and reported they had been defined and established, and were acknowledged by the State.

Mr. Harrington also felt that the proposed aquifer protection districts seem to leave out a lot of potentially useful areas of the aquifer. Mr. Emery responded that they had looked at the entire city in a prior study to find the areas of the aquifers best suited for providing public water supply and the result of that investigation was to prioritize the proposed four areas. These are the most viable likely candidates for future public water supply.

David Brennan, Water Superintendent for Concord, had questions relative to drilling under the Merrimack and Mr. Emery responded that the study did not look at that opportunity.

Mr. Swope noted that the Planning Board would need to learn more about cost considerations if it decided to consider requiring hydrologic assessments of proposed residential developments. The Board would need to know what kind of effect that requirement would have on a developer.

Ms. Foss suggested that it would be helpful to see some of the ordinance used by other communities.

Mr. Fougere noted that the Town of Amherst had at times requested hydrologic assessments and water analysis studies, especially if a development would require a substantial amount of blasting.

Mr. Provencher noted that Hooksett had run into the problem of subdivisions running out of water.

The Chair asked that consideration of this ordinance be placed on the Board's May agenda.

There was no further business to come before the Board and the meeting adjourned at 8:00 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward  
Clerk

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